

FIRST REGULAR SESSION

HOUSE BILL NO. 400

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES TREADWAY, FOLEY, HEGEMAN, O'CONNOR, HOLAND,
DOLAN (Co-sponsors), BERKSTRESSER AND KOLLER.

Read 1st time January 17, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

0562L.011

AN ACT

To repeal section 334.735, RSMo 2000, relating to physician assistants, and to enact in lieu thereof one new section relating to the same subject.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 334.735, RSMo 2000, is repealed and one new section enacted in lieu thereof, to be known as section 334.735, to read as follows:

334.735. 1. As used in sections 334.735 to 334.749, the following terms mean:

(1) "Applicant", any individual who seeks to become licensed as a physician assistant;

(2) "Certification" or "registration", a process by a certifying entity that grants recognition to applicants meeting predetermined qualifications specified by such certifying entity;

(3) "Certifying entity", the nongovernmental agency or association which certifies or registers individuals who have completed academic and training requirements;

(4) "Department", the department of economic development or a designated agency thereof;

(5) "License", a document issued to an applicant by the department acknowledging that the applicant is entitled to practice as a physician assistant;

(6) "Physician assistant", a person who has graduated from a physician assistant program accredited by the American Medical Association's Committee on Allied Health Education and Accreditation or by its successor agency, who has passed the certifying examination administered by the National Commission on Certification of Physician Assistants and has active certification by the National Commission on Certification of Physician Assistants who provides health care

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 services delegated by a licensed physician. A person who has been employed as a physician
18 assistant for three years prior to August 28, 1989, who has passed the National Commission on
19 Certification of Physician* Assistants examination, and has active certification of the National
20 Commission on Certification of Physician Assistants;

21 (7) "Recognition", the formal process of becoming a certifying entity as required by the
22 provisions of sections 334.735 to 334.749;

23 (8) "Supervision", [control exercised over a physician assistant working within the same
24 office facility of the supervising physician except a physician assistant may make follow-up
25 patient examinations in hospitals, nursing homes and correctional facilities, each such
26 examination being reviewed, approved and signed by the supervising physician] **overseeing the**
27 **activities of, and accepting responsibility for, the medical services rendered by a physician**
28 **assistant. The supervising physician shall at all times be immediately available to the**
29 **physician assistant for consultation, assistance or intervention either personally or via**
30 **telecommunications. The physician assistant shall be limited to practice at locations where**
31 **the supervising physician is no further than thirty miles by road using the most direct**
32 **route available, or in any other fashion so distanced as to create an impediment to effective**
33 **intervention and supervision of patient care or adequate review of services; except that,**
34 **physician assistants practicing in federally designated health professional shortage areas**
35 **(HPSA's) shall be limited to practice at locations where the supervising physician is no**
36 **further than fifty miles by road, using the most direct route available.** The board shall
37 promulgate rules pursuant to chapter 536, RSMo, for the [proximity of practice between the
38 physician assistant and the supervising physician and] documentation of joint review of the
39 physician assistant activity by the supervising physician and the physician assistant.

40 2. The scope of practice of a physician assistant shall consist only of the following
41 services and procedures:

42 (1) Taking patient histories;

43 (2) Performing physical examinations of a patient;

44 (3) Performing or assisting in the performance of routine office laboratory and patient
45 screening procedures;

46 (4) Performing routine therapeutic procedures;

47 (5) Recording diagnostic impressions and evaluating situations calling for attention of
48 a physician to institute treatment procedures;

49 (6) Instructing and counseling patients regarding mental and physical health using
50 procedures reviewed and approved by a licensed physician;

51 (7) Assisting the supervising physician in institutional settings, including reviewing of
52 treatment plans, ordering of tests and diagnostic laboratory and radiological services, and

53 ordering of therapies, using procedures reviewed and approved by a licensed physician;

54 (8) Assisting in surgery;

55 (9) Performing such other tasks not prohibited by law under the supervision of a licensed
56 physician as the [physician's] **physician** assistant has been trained and is proficient to perform;

57 (10) Physician assistants shall not perform abortions.

58 3. Physician assistants shall not prescribe nor dispense any drug, medicine, device or
59 therapy independent of consultation with the supervising physician, nor prescribe lenses, prisms
60 or contact lenses for the aid, relief or correction of vision or the measurement of visual power
61 or visual efficiency of the human eye, nor administer or monitor general or regional block
62 anesthesia during diagnostic tests, surgery or obstetric procedures. Prescribing and dispensing
63 of drugs, medications, devices or therapies by a physician assistant shall be pursuant to a
64 physician assistant supervision agreement which is specific to the clinical conditions treated by
65 the supervising physician and the physician assistant shall be subject to the following:

66 (1) A physician assistant shall not prescribe controlled substances;

67 (2) The types of drugs, medications, devices or therapies prescribed or dispensed by a
68 physician assistant shall be consistent with the scopes of practice of the physician assistant and
69 the supervising physician;

70 (3) All prescriptions shall conform with state and federal laws and regulations and shall
71 include the name, address and telephone number of the physician assistant and the supervising
72 physician;

73 (4) A physician assistant or advanced practice nurse as defined in section 335.016,
74 RSMo, may request, receive and sign for noncontrolled professional samples and may distribute
75 professional samples to patients;

76 (5) A physician assistant shall not prescribe any drugs, medicines, devices or therapies
77 the supervising physician is not qualified or authorized to prescribe; and

78 (6) A physician assistant may only dispense starter doses of medication to cover a period
79 of time for seventy-two hours or less.

80 4. A physician assistant shall clearly identify himself or herself as a physician assistant
81 and shall not use or permit to be used in the physician assistant's behalf the terms "doctor", "Dr."
82 or "doc" nor hold himself or herself out in any way to be a physician or surgeon. No physician
83 assistant shall practice or attempt to practice without physician supervision or in any location
84 where the supervising physician is not immediately available for consultation, assistance and
85 intervention, except in an emergency situation, nor shall any physician assistant bill a patient
86 independently or directly for any services or procedure by the physician assistant.

87 5. The physician assistant shall be a person who is a graduate of a physician assistant
88 program accredited by the American Medical Association's Committee on Allied Health

89 Education and Accreditation or its successor or is certified by a national nongovernmental
90 agency or association, who has passed the National Commission on Certification of Physician
91 Assistants examination and has active certification by the National Commission on Certification
92 of Physician Assistants or its successor. A person who has been employed as a physician
93 assistant for three years prior to August 28, 1989, and has passed the National Commission on
94 Certification of Physician Assistants examination shall be deemed to have met the academic
95 requirements necessary for licensing. **All applicants for physician assistant licensure who**
96 **complete their physician assistant training program after January 1, 2004, must have a**
97 **master's degree in a health or medical science related field.**

98 6. For purposes of this section, the licensing of physician assistants shall take place
99 within processes established by the state board of registration for the healing arts through rule
100 and regulation. The board of healing arts is authorized to establish rules pursuant to chapter 536,
101 RSMo, establishing licensing and renewal procedures, supervision, supervision agreements, fees,
102 and addressing such other matters as are necessary to protect the public and discipline the
103 profession. An application for licensing may be denied or the license of a physician assistant
104 may be suspended or revoked by the board in the same manner and for violation of the standards
105 as set forth by section 334.100, or such other standards of conduct set by the board by rule or
106 regulation. Persons licensed pursuant to the provisions of chapter 335, RSMo, shall not be
107 required to be licensed as physician assistants.

108 7. "Physician assistant supervision agreement" means a written agreement, jointly agreed
109 upon protocols or standing order between a supervising physician and a physician assistant,
110 which provides for the delegation of health care services from a supervising physician to a
111 physician assistant and the review of such services.

112 8. When a physician assistant supervision agreement is utilized to provide health care
113 services for conditions other than acute self-limited or well-defined problems, the supervising
114 physician or other physician designated in the supervision agreement, shall see the patient for
115 evaluation and approve or formulate the plan of treatment for new or significantly changed
116 conditions as soon as practical, but in no case more than two weeks after the patient has been
117 seen by the physician assistant.

118 9. At all times the physician is responsible for the oversight of the activities of, and
119 accepts responsibility for, health care services rendered by the physician assistant.

120 **10. No physician shall be designated to serve as supervising physician for more than**
121 **three full-time equivalent licensed physician assistants; except as provided for in physician**
122 **assistant agreements of hospital employees providing in-patient care services in hospitals**
123 **as defined in chapter 197, RSMo.**

124 **11. The supervising physician shall be responsible for determining and**

125 **documenting the completion of at least a one-month period of time during which the**
126 **licensed physician assistant shall practice with a supervising physician continuously**
127 **present before practicing in a setting where a supervising physician is not continuously**
128 **present.**